

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION**

JOHN DUMITRU,

Plaintiff,

vs.

DAVID R. MATSEY and JILL HOWARD,)

Defendants.)

CAUSE NO. 2:05-CV-308 PS

OPINION AND ORDER

In 2005, John Dumitru, a prisoner confined in the Indiana State Prison, filed a complaint pursuant to 42 U.S.C. § 1983, complaining that Starke Circuit Judge David Matsey ruled against him on issues presented in his divorce proceedings. Mr. Dumitru sought damages and the return of his home, which was apparently sold in 2004 when his ex-wife moved to Arizona. He also submitted an amended complaint against Fifth Third Bank employee Jill Howard. In October 2005, the court screened the complaint and amended complaint pursuant to 28 U.S.C. § 1915A, dismissed Judge Matsey because he was entitled to absolute judicial immunity, and dismissed Jill Howard because, as an employee of the Fifth Third Bank, she did not act under color of state law.” *Parratt v. Taylor*, 451 U.S. 527, 536 (1981).

Dumitru has now filed a letter seeking to reopen the case because he has newly discovered evidence that organs were removed from Liliana Ciprianu after her death on April 25, 2000, by Dr. Joseph T. Czaja, M.D., without permission from Liliana or her next of kin. This newly discovered evidence, however, has nothing to do with the issues raised in the complaint and amended complaint in this case and the defendants named by Dumitru in this case have no involvement in the newly discovered facts.

For the foregoing reasons, the court **DENIES** the plaintiff’s request to reopen this case found in his letter to this court dated November 2, 2009. (DE 36).

SO ORDERED.

ENTERED: December 1, 2009

/s Philip P. Simon
Philip P. Simon, Judge
United States District Court